IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 17TH OCTOBER 2007 / 25TH ASWINA 1929

Bail Appl..No. 6307 of 2007()

CRIME NO. 545/07 OF PANDALAM POLICE STATION

PETITIONERS/ACCUSED

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1. G.BINOD, AGED 38 YEARS, S/O GOVINDAN,
   MANIBHAVAN, PARUMALA P.O., THIRUVALLA.

2. N.GOVINDAN, AGED 65 YEARS,
   S/O NANU, RESIDING AT DO. DO.

3. MANIAMMA, AGED 55 YEARS,
   W/O GOVINDAN, RESIDING AT DO. DO.

BY ADV. SRI.P.HARIDAS

RESPONDENTS: STATE/COMPLAINANTS

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1. STATE OF KERALA, REPRESENTED BY
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

2. SUB INSPECTOR OF POLICE, PANDALAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 6307 of 2007

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Dated this the 17th day of October, 2007

O R D E R

Application for anticipatory bail. The petitioners are the husband and parents-in law respectively of the defacto complainant. The defacto complainant has alleged commission of the offences punishable under Section 498A I.P.C. The crime has been registered on the basis of a complaint filed by the defacto complainant before the learned Magistrate, which complaint was referred to the police by the learned Magistrate under Section 156(3) Cr.P.C. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The marriage had taken place on 24.4.2005. One child is born in the wedlock. There is strain in the matrimony. The learned Prosecutor submits that there is no allegation that the victim/defacto complainant has suffered any external physical injury.

3. The learned counsel for the petitioner prays, the learned Prosecutor does not oppose the said prayer and I am satisfied that directions under Section 438 Cr.P.C. can be issued in favour of the petitioners. Arrest and incarceration of the petitioners is likely to

mar all possibilities of reconciliation of marital relationship. Subject to appropriate conditions, anticipatory bail can be granted to the petitioners.

4. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioners shall surrender before the learned Magistrate on 24.10.2007 at 11 a.m. The learned Magistrate shall release the petitioners on regular bail on condition that they execute bonds for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 1 p.m. on 25.10.07 and 26.10.2007 and thereafter shall appear on all Mondays, Wednesdays and Fridays between 10 a.m. and 12 noon for a period of one month and subsequently as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioners do not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 24.10.07 and the

police shall be at liberty thereafter to arrest the petitioners and deal with them in accordance with law.

(d) If the petitioners were arrested prior to their surrender on 24.10.9.2006 as directed in clause (1) above, they shall be released on bail on their executing bonds for Rs.25,000/- each without any surety undertaking to appear before the learned Magistrate on 24.10.2007.

(R. BASANT)
Judge

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